

PRO SE OFFICE

11 CIV. 3273

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
Leigh Dyer Bennett,

Plaintiff,

-against

Civil Action No.

NCO Financial Systems, Inc.,

Defendant.

----- x
COMPLAINT

With Jury Demanded Hereon.

I. Parties in this complaint:

- A. Plaintiff, Leigh Dyer Bennett
414 East 77th Street
Apartment 4A
New York, NY 10075
(212) 517-5634
- B. Defendant, NCO Financial Systems, Inc.
507 Prudential Road
Horsham, PA 19044.

II. Basis for Jurisdiction:

- A. This is an action under the Fair Debt Collection Practices Act, hereinafter "FDCPA," 15 U.S.C. §1692a, et seq.
- B. Jurisdiction in this case is founded upon 15. U.S.C. 1692k which grants the federal District Courts jurisdiction to hear this action without regard to the amount in controversy.
- C. Jurisdiction is also founded upon the plaintiff's venue in this District.

III. Statement of Claim:

I am a 46 year old woman currently disabled with rheumatoid (autoimmune) conditions which render me largely homebound and often bedridden, having departed from my last gainful employment in June 2004. My savings and investments are exhausted. I am currently receiving a small "public assistance" allowance from the New York State Office of Temporary and Disability Assistance, and am revising an application for Social Security Disability Benefits. After years of stellar bill payment, I defaulted on my credit card balances in 2005 (or at some point thereafter), but not

without making contact with all my creditors, explaining the exigent circumstances, and promising to make payment arrangements upon returning to good health. I was repeatedly advised by creditors and bill collectors alike to declare bankruptcy.

IV. Injury:

In 2010, my mother, Dorothy Dyer Bennett, who lives in Riverdale, north of where I do, received a telephone call from a representative of NCO. Apparently, NCO had bought the rights from one of my credit card financing companies to recover monies against my aged debt. I do not know every appalling detail of NCO's communications with my mother, save that this bill collector contacted her on more than one occasion, both in writing and on the telephone, well after it was clear that I do not reside with her, in flagrant violation of the FDCPA. Worse, whatever scare tactics the NCO representatives used conspired to convince my near-80-year-old mother that she needed to pay NCO approximately \$15,000 to eliminate my indebtedness and restore my honor.

V. Relief:

Plaintiff respectfully requests this Court to:

- A. Declare judgment that defendant's conduct violated the FDCPA, and grant declaratory and injunctive relief for the defendants repeated violations of FDCPA.
- B. Order defendants to return the monies ill-gotten from my mother.
- C. Award plaintiff such damages as are permitted by law, both compensatory and punitive, including \$1,000 statutory damages for each violation of FDCPA.
- D. Grant plaintiff costs of suit.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 4, 2011

Plaintiff

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